

### **REMARKS**

This is in response to the Supplemental Election of Species Requirement mailed January 29, 2008. Claims 1-20 are pending. By Response to Election of Species filed November 2, 2007, Applicants elected, without traverse, the following species:

- List I: Species B, Step c) takes place after step b);
- List II: Species A, adding to a microorganism's enrichment medium at least one non-fluorescent substrate specific to enzymes;
- List III: Species A, xanthenes;
- List IV: Species A, fatty acid; and
- List V: Species A, flow cytometry.

The examiner requires a further election of species. In response, Applicants hereby elect, without traverse, Species A, *Listeria monocytogenes*. The claims readable on the elected claims are claims 1-6 and 8-20. Claim 7 has been withdrawn from consideration.

Applicants will request rejoinder of the non-elected subject matter and will perfect this request when the elected species are considered allowable.

Applicants also reserve the right to file one or more divisional applications directed to non-elected subject matter. With the entry of this amendment, claims 1-6 and 8-20 will be active in this case. Applicants respectfully request examination of the instant application on the merits in due course.

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing docket number 029440.00009.

Respectfully submitted,

Date: February 25, 2008

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